IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI BILAL NAZKI

ACTING CHIEF JUSTICE

and
HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 21398 of 2003

Between:

1 C.Sampath Kumar, S/o.Devadas,
R/o.H.No.1-121-127/A, V.S.T.Colony, Nacharam,
Hyderabad.
2 P.Anil Kumar, S/o.Eshwar,
R/o.5-6-196/A, Agapura, Hyderabad.

..... PETITIONERS

AND

1 The High Court of Andhra Pradesh at Hyderabad, rep.,
by its Registrar General,
High Court Building, Hyderabad.
2 State of Andhra Pradesh, Rep. by its Secretary to
Government,
Legislative Affairs and Justice, at Secretariat,
Hyderabad.
3 Andhra Pradesh State Public Service Commission, Rep.
by its Chairman,
Industrial Exhibition Road, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Writs, Order or Directions more so in the nature of a Writ of Mandamus declaring impugned G.O.Ms.No.124, Law (L.A. & J-Courts-C), dt.5-8-1996 as unconstitutional being arbitrary, unreasonable, disregarding the constitutional mandate, violating the Doctrine of Separation of Powers and Rule of Law as contemplated under the Constitutional Scheme thereby creating a Constitutional imbalance on account of empowerment of 1st respondent with the exclusive powers and function of the executive and thereby infringing the Fundamental and Constitutional Rights including those under Articles 14,16, 234, 309 and 320 of the Constitution of India and thereby offending the Basic Structure of the Constitution of India and consequently declare the impugned Notifications issued by the 1st Respondent vide Notification No.1/2003/RC and No.2/2003-RC both dt.11-8-2003 along with Recruitment by Transfer under the impugned Notifications as unconstitutional and also in violation of Article 371-D of the Constitution of India.

Counsel for the Petitioners : MR.PRAVEEN VYAPARI (Not Present)

Counsel for the Respondents : -----

The Court made the following :

ORAL ORDER:

(per Hon'ble The Acting Chief Justice)

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Nobody appears. Therefore, the writ petition is dismissed for non-prosecution. No costs.

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BILAL NAZKI. ACJ.,

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GOPALA KRISHNA TAMADA. J.,

Dated: 15.04.2005.

VRK.

To

1 The Registrar General, High Court of Andhra Pradesh at Hyderabad,
High Court Buildings, Hyderabad.
2 The Secretary to Govt., Legislative Affairs and Justice, at Secretariat,
Hyderabad.
3 The Chairman, Andhra Pradesh State Public Service Commission,
Industrial Exhibition Road, Nampally, Hyderabad.

4. Two CD copies.

*Form-NIC-OGS/WP{**KRD**}*

HON'BLE SRI BILAL NAZKI,

ACTING CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE

GOPALA KRISHNA TAMADA

W.P.NO. 21398 OF 2003

(Order of the Bench delivered by

Hon'ble The Acting Chief Justice)

Dt: 15.04.2005.